

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAGHEED AKRAWI,

Petitioner,

v.

Case No. 97-CV-10417

LUELLA BURKE,

Respondent.

ORDER DENYING A CERTIFICATE OF APPEALABILITY

Petitioner has appealed the court's July 10, 2007 order [Dkt. # 19], in which the court denied Petitioner's motion for relief from a stipulated order of dismissal and Petitioner's motion to consolidate this case with a habeas case he filed in 2005. The court must treat the notice of appeal as an application for a certificate of appealability. *Slack v. McDaniel*, 529 U.S. 473, 483 (2000).

A certificate of appealability may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "sho[w] that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack*, 529 U.S. at 484.

The court denied as moot Petitioner's motions for consolidation and for relief from the stipulated order of dismissal. Reasonable jurists would not debate whether the

court's procedural ruling was correct, nor whether the habeas petition states a valid claim of the denial of a constitutional right. Accordingly,

IT IS ORDERED that the application for a certificate of appealability is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 27, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 27, 2007, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522